IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

RP.No. 613 of 2007(N)

AGAINST THE JUDGEMEN IN WPC.4340/2006 Dated 23/05/2007
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REVIEW PETITIONR/PETITIONER IN WPC 4340/06

SUBHADRAMMA, AGED 63 YEARS,
W/O.LATE BALAN PILLAI, LAVANYA, M.G.STREET,
THAMARAKULAM, THAMARAKULAM, KOLLAM.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.AJITH MURALI
SMT.R. BEENA

RESPONDENTS: RESPONDENTS IN WPC 4340/06:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, SECRETARIAT, TRIVANDRUM.**
2. **THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES (B) DEPARTMENT, TRIVANDRUM.**
3. **THE DIRECTOR, INDUSTRIES AND COMMERCE, TRIVANDRUM.**
4. **THE LIQUIDATOR, PROGRESSIVE INDUSTRIES CO-OPERATIVE SOCIETY LTD., SENIOR SUPERVISOR(HL) ORGANISATION, DISTRICT INDUSTRIES CENTRE, ASRAMAM, KOLLAM.**
5. **P.P.VIJAYAN, PARAMESWARATHU VEEDU, THANNIMELCHERRY, KAVANAD P.O., KOLLAM- 691 003.**
6. **BABUKUTTAN PILLAI, S/O.SANKARAN PILLAI, KAVILAYIL VEEDU, SAKTHIKULANGARA P.O., KOLLAM- 691 581.**
7. **ADV.VIJAYAKUMAR K., AKKASSERIL, NEENDAKARA, KOLLAM.**

**8. P.P.VIJAYAN, S/O.PARAMESWARAN,
KANNIMEL, KAVANAD P.O., KOLLAM.**

**9. SUBHADRAMMA, THAYIL, KIZHAKKATHIL,
SAKTHIKULANGARA, KOLLAM.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.BASANT BALAJI
R5 BY ADV. SRI.P.RAVINDRAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR,J

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R.P..No.613 of 2007

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Dated this the 15th day of November, 2007

ORDER

Heard both sides. It is submitted by the counsel for the review petitioner, who is the petitioner in the writ petition that she had deposited an amount of Rs.3,25,000/- as part of sale consideration. The petitioner deposited Rs.25,000/- as earnest money on 7.12.2005 and of Rs.3,00,000/- after the auction sale. It is submitted by the petitioner that amount was deposited by the Society in a bank which it is still lying as such. The learned counsel appearing for the respondent society submits that on receipt of the money the same was deposited in a bank and the same was not returned since the petitioner did not approach the society. It is submitted that petitioner is not entitled to interest but if any interest had already accrued in the aforesaid amount in the bank the same can be refunded to her. The review petition is disposed of in the following manner:

The petitioner shall file a proper application before the society for return of Rs.3,25,000/- deposited by her as part of the sale consideration along with interest accrued within two weeks

from the date of receipt of a copy of the order. On receipt of such application the society shall take necessary steps to return the amount from the bank with whatever interest accrued in that amount and to the petitioner within one month from the date of receipt of a copy of this order.

K.PADMANABHAN NAIR, JUDGE

dvs